



United States Department of Interior
BUREAU OF LAND MANAGEMENT



Kanab Field Office

318 North First East
Kanab, Utah 84741
Telephone (435) 644-4600
FAX (435) 644-4620

Refer to:
UT-110
UTU-78391

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

7002 0510 0002 1352 3166

January 28, 2003

Paul Lamoreaux
Alpine Gems & Minerals
P.O. Box 610
Parowan, UT 84761

Dear Mr. Lamoreaux:

This letter is to notify you that your revised Plan of Operations (Dry Valley Alabaster Quarries), received January 6, 2003, has been reviewed and accepted by this office. A financial guarantee is still required in order for your operations to meet regulatory requirements (43 CFR 3809.500). As discussed on January 6, a financial guarantee in the amount of \$15,000 is required by March 31, 2003. Failure to meet this deadline will prompt suspension of all operations.

Thank you for your efforts.

Sincerely,

Rex Smart
Field Office Manager

Enclosure:
Surface Management Bond Requirements

cc: Tom Munson, Utah Division of Oil, Gas and Mining
1594 West North Temple Suite 1210, Salt Lake City, Utah 84114

RECEIVED

JAN 31 2003

DIV. OF OIL, GAS & MINING

May 9, 2002

SURFACE MANAGEMENT BONDS REQUIREMENTS

A. BOND GUARANTEES

A bond is a financial guarantee, given to provide assurance to one party that another party will fulfill an obligation it has undertaken to perform. Bonds are not insurance. Under a bond, the principal or obligor on a personal bond is responsible to fulfill a contractual obligation. If the principal/obligor does not perform the contractual obligation, the bond may be collected.

Personal bonds are contracts directly between the obligor and the obligee. A surety bond is written for the benefit of a third party, and is a three-way contract among the principal (owner of the bond), the surety (insurance company), and the obligee (the party to whom performance is promised). A bond may only be terminated or canceled with the consent of all parties to the bond.

B. TYPES OF BONDS

1. SURETY BOND

A corporate surety bond consists of a promise by a principal and surety to the United States and/or the State of Utah that the surety will correct any default should the principal not do so, paying up to the limits of the amount of the bond. A surety bond is a three-way contract between the principal, the surety, and the United States/State of Utah.

When filing a bond with the BLM, the Surface Management Surety Bond form must be used. If filing a joint bond with DOGM, their Surety Bond (Form MR-6) and Reclamation Contract (Form MR-RC) forms must be used.

Information required:

- a. Bond must be properly executed by principal, including display of corporate seal (if available). The relationship of the signatory to the principal is to be shown on the bond form itself or in an accompanying document.
- b. Bond must be properly executed by acceptable surety, with the seal of corporate surety affixed, accompanied by the power of attorney (POA) showing proof of signing authority as surety's representative. Surety bonds must be issued by an qualified surety (insurance company) approved by the Department of Treasury (see <http://www.fms.treas.gov/c570/index.html>).
- c. Bond must be at least for the required amount.
- d. Principal and surety must be indicated in proper locations on the bond form.

- e. The dollar amount must be spelled out, for example, Ten Thousand and no/100 Dollars.
- f. Execution date on bond must be completed and date must precede the date of filing of bond.
- g. Power of Attorney must show that person signing for surety had authority to do so on the date bond was executed. The date must be the same as or earlier than the date the bond was executed. At the end of the POA, there should be a completed certificate indicating that the POA is still valid on a certain date. This certificate must be dated the same date the bond is executed or within a few days thereafter.

2. PERSONAL BONDS

The principal (obligor) may furnish a personal bond in lieu of a surety bond to ensure compliance with all the terms and conditions of a plan of operations on public land.

The BLM accepts three forms of personal bonds: Cash Bond, Letter of Credit (LOC), and Certificate of Deposit (CD).

CASH BOND:

A cash bond must be submitted in the form of a **Cashier's Check or certified check**. A check posted with the BLM must be issued to the **"U. S. Department of the Interior-BLM"**; and the BLM Surface Management Personal Bond form must accompany the check.

If posting with DOGM, the check must be issued to the Utah Department of Natural Resources-Division of Oil Gas and Mining (UT DNR-DOGM) and their Reclamation Contract (Form MR-RC) form must be used.

LETTER OF CREDIT (LOC):

An irrevocable letter of credit issued by a bank organized to do business in the United States.

Required information:

- a. Financial institution must be **federally insured** or a Federal Reserve Branch bank.
- b. When posting the bond with the BLM, the bond must be payable to the **"U. S. Department of Interior-BLM"**; and the BLM Surface Management Bond form must accompany the LOC. The authorized officer for the BLM is **Robert Lopez, Chief, Branch of Minerals Adjudication**.

When filing a joint bond with the "Utah Department of Natural Resources-Division of Oil

Gas and Mining” (UT DNR-DOGM) and the “U.S. Department of the Interior-Bureau of Land Management” (USDOI-BLM), the bond must be payable to both agencies. If posting the bond with DOGM their bond form (LOC) must be used.

- c. Initial expiration of the LOC must be not less than 1 year after the date filing with BLM.
- d. LOC must contain the **automatic renewal provision** in at least one-year increments.
- e. LOC must contain provisions allowing collection by BLM for default of obligor and failure of obligor to replace bond if 90-day notice is given by bank that LOC will not be renewed.

CERTIFICATES OF DEPOSIT (CD):

Federally-insured certificate of deposit payable to the United States and/or the State of Utah.

Required information:

- a. Financial institution must be **federally insured** or a Federal Reserve Branch bank.
- b. **CD must indicate** on the face of the certificate that **“The Secretary of the Interior-BLM must approve the redemption of the CD by any party.”**

On joint bonds the statement should be, “The Secretary of the Interior-BLM and DOGM must approve the redemption of the CD by any party.”

- c. CD should be issued to the **“U. S. Department of the Interior-BLM”** (USDOI-BLM); and the BLM Surface Management Personal Bond form must accompany the CD. The authorized officer for the BLM is **Robert Lopez, Chief, Branch of Minerals Adjudication.**

When filing a joint bond with the Utah Department of Natural Resources-Division of Oil Gas and Mining (UT DNR-DOGM) and the U.S. Department of the Interior-Bureau of Land Management (USDOI-BLM), the bond must be payable to both agencies. If posting the bond with DOGM their bond form (Joint Agency Certificate of Deposit) and Reclamation Contract form must be used.

If CD is issued to another person/company than BLM/DOGM, proof must be provided that the right to payment of the obligor under the CD has been assigned to BLM/DOGM, together with the proof that the bank has changed its records to show that only BLM/DOGM may collect the amount of the CD. A written confirmation is recommended (Assignment form signed by obligor and confirmation form signed by financial institution.)

d. The operator/obligor must ensure that the CD can be redeemed prior to maturity. If there are any penalties for early redemption, such penalties will be paid out of the obligor's interest earned, not out of the principal amount of the CD. Otherwise CD must be increased.

e. There should be **no expiration date** for the CD which would restrict the right of the BLM/DOGM to collect the principal at any time of default.

f. It must be clear that the deposit is for the sole and exclusive use of the Department of the Interior-BLM. On joint bond, deposit is for the use of the Department of the Interior-BLM and DOGM. The financial institution must agree to not use the deposit to off-set any monetary default of the Obligor. (Agreement not to off-set form)

POSTING THE BOND WITH THE BLM:

Please contact Opolonia Abeyta at (801)539-4123, Mining Law Unit, Branch of Minerals Adjudication, Utah State Office, Bureau of Land Management, 324 South State Street, P. O. Box 45155, Salt Lake City, Utah 84145-0155. The authorized officer for the BLM is Robert Lopez, Chief, Branch of Minerals Adjudication. If you are posting the bond with the BLM, the bond must be filed with the Utah State Office.

POSTING THE BOND WITH DOGM:

Please contact Wayne Hedberg at (801)538-5340, Division of Oil, Gas, and Mining, Utah Department of Natural Resources, 1594 S. North Temple, Suite 1210, P. O. Box 145801, Salt Lake City, Utah 84114-5801.

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT

FORM APPROVED
OMB NO. 1004-0194
Expires: November 30, 2003

SURFACE MANAGEMENT SURETY BOND

Act of May 10, 1872, as amended (30 U.S.C. 22-54)
Act of October 21, 1976, as amended (43 U.S.C. 1732-35, 1782)
Act of September, 13, 1982 (31 U.S.C. 9301 et seq.)
Act of September 27, 1988 (102 Stat. 1776)
(Act of April 16, 1993), 43 U.S.C. 299)

Surety Bond Number _____

Plan of Operations/Notice _____ Statewide _____ Nationwide _____
(Name of State, if applicable) ("Yes" - if applicable)

KNOW ALL BY THESE PRESENTS, THAT: _____
(name)

of _____
(address)

as principal; and _____ of _____
(name) (address)

_____ as surety; are held firmly bound unto the United States of America in the
sum of _____ dollars (\$ _____),
lawful money of the United States, which may be increased or decreased by a rider hereto executed in the same manner as this bond, for the payment of
which sum the principal and surety bind themselves successors, and assigns, jointly and severally, by these presents.

The principal/surety will apply this bond for the faithful performance of any and all of the conditions and stipulations as set forth in this bond, the plan of
operations/notice cited above, and the regulations cited at 43 CFR Subparts 3809 and 3802. In the case of any default in the performance of the conditions
and stipulations of such undertaking, it is agreed that surety/principal will apply the bond or any portion thereof, to the satisfaction of any damages,
reclamation, assessments, penalties, or deficiencies arising by reason of such default.

BOND CONDITIONS

1. WHEREAS the principal has an interest in a mining claim(s), millsite(s), or tunnel site(s) and/or responsibility for operations on those mining claim(s),
millsite(s), tunnel site(s) or public lands under the Acts cited in this bond; and
2. WHEREAS the principal has filed an acceptable notice with the United States Department of Interior and/or received approval from the United States
Department of the Interior of the plan of operations cited above, and said plan of operations/notice contains certain stipulations and conditions; and
3. WHEREAS the principal has promised to deliver to the United States a bond substantially in the form hereof upon the approval and/or acceptance of
the above referenced plan of operations and/or notice by the United States Department of the Interior, Bureau of Land Management to secure the
performance of the terms and conditions contained in said plan of operations/notice and/or associated reclamation plan.
4. WHEREAS the principal and surety agree that, with notice to the surety, the coverage of this bond, in addition to the present holdings of and/or
authorization(s) granted to the principal, shall extend to and include:
 - a. Any transfer of operating rights under the plan of operations and/or notice hereafter entered into or acquired by the principal affecting mining
claim(s), millsite(s), tunnel site(s), or public lands; and
 - b. Any activity subsequent hereto of the principal as operator under a plan of operations and/or notice issued pursuant to the Acts cited in this bond;Provided, that for Statewide and Nationwide bonds only, the surety may elect to terminate the additional coverage authorized under this paragraph.
Such termination will become effective 30 days after the Bureau of Land Management receives notice of the election to terminate. After the
termination becomes effective, the additional interests identified in this paragraph will not be covered by this bond; and
5. WHEREAS the principal and surety agree that with notice to the surety this bond shall remain in full force and effect notwithstanding: Any
assignment(s) of an undivided interest in any part or all of the mining claim(s) millsite(s), tunnel site(s), or public lands covered by the the plan of
operations/notice in which event the assignee(s) shall be considered to be coprincipal(s) on this bond as fully and to the same extent as though their
duly authenticated signatures appeared thereon; and
6. WHEREAS the principal/surety hereby waives any right to notice of, and agrees that this bond will remain in full force and effect notwithstanding:
 - a. Any transfer(s) in whole or in part, of any or all of the land covered by the plan of operations and/or notice and further agrees to remain bound
under this bond as to the interests in the plan of operations and/or notice retained by the principal; and
 - b. Any modification of the plan of operations/notice or obligations thereunder as provided in paragraph 4 herein; and
7. WHEREAS the principal and surety hereby agree that notwithstanding the cancellation or relinquishment of any mining claim(s) millsite(s), or
tunnelsite(s) covered by this plan of operations and/or notice, whether by operation of law or otherwise, the bond will remain in full force and effect as
to the terms and conditions of the plan of operations and/or notice and obligations covered by this bond; and

Title 18 U.S.C. Section 1001 and Title 43 U.S.C. Section 1212 make it a crime for any person knowingly and willfully to make to any department or
agency of the United States any false fictitious, or fraudulent statements or representations as to any matter within its jurisdiction.

(Continued on reverse)

BOND CONDITIONS (Continued)

8. WHEREAS should the surety elect to cancel this bond, the surety agrees to give the principal and the Bureau of Land Management 90 days written notice by certified mail, return receipt requested, at their respective addresses as stated herein. The address for service to BLM concerning this bond is BLM _____ State Office located at _____. The surety further agrees that in the event of such cancellation this bond will remain in full force and effect as to all areas within the plan of operations/notice disturbed prior to the effective date of such cancellation, unless and until the principal should file a substitute bond or other acceptable instrument to protect the interests of the Bureau of Land Management and such bond or instrument is accepted by the Bureau of Land Management; and
9. WHEREAS the principal and surety agree that in the event of any default under the plan of operations and/or notice, the bond may be forfeited and, the United States, through the Bureau of Land Management, may commence and prosecute any claim, suit, or other proceeding against the surety and principal, or either of them, without the necessity of joining the owner(s) of the mining claim(s), millsite(s), or tunnelsite(s) covered by the plan of operations and/or notice; and
10. WHEREAS if the principal fails to comply with the provisions of 43 CFR 3809.595, the principal will be subject to the applicable provisions and penalties of Sections 303 and 305 of the Federal Land Policy and Management Act of 1976, *as amended*, (43 U.S.C. 1733 and 1735). This provision should not be construed to prevent the exercise by the United States of any other legal and equitable remedy, including waiver of the default; and
11. WHEREAS, on the faith of the foregoing promises, representations, and appointments and in consideration of this bond, the United States has received a notice or approved the plan of operations referenced herein.
12. NOW, THEREFORE, the condition of this obligation is that if said principal, heirs, executors, administrators, successors, or assignees will, in all respects, faithfully comply with all of the provisions of the plan of operations and/or notice, and any amendments thereto, and the rules and regulations contained in 43 CFR Subpart 3809 or Subpart 3802, then this obligation will be null and void; otherwise it will remain in full force and effect.

Signed this _____ day of _____, 20____ :

By _____
(Principal)

Title _____

Business Address _____

(Principal EIN or SSN)

[Seal]

By _____
(Surety)

Attorney-in-Fact _____

Business Address _____

(Surety EIN or SSN)

[Seal]

This bond must bear the seal of the surety company.

NOTICE

The Privacy Act of 1974 and the regulation in 43 CFR 2.48(d) provide that you be furnished the following information in connection with information required by this application.

AUTHORITY: 30 U.S.C. 22 et seq.; 43 U.S.C. 1732[b] and 1782[c]; 31 U.S.C. 9301 et seq.; 43 CFR 3802 and 3809.

PRINCIPAL PURPOSE: Information is being used to establish financial responsibility for surface disturbance on public lands.

ROUTINE USES: BLM will only disclose the information according to the regulations at 43 CFR 2.56 (d).

EFFECT OF NOT PROVIDING INFORMATION: Disclosure of the information is necessary to receive a benefit. Failure to disclose this information may result in BLM's rejection of your application.

The Paperwork Reduction Act of 1995 requires us to inform you that:

BLM collects this information to grant the right to conduct exploration and mining activities on public lands.

Response to this request is required to obtain a benefit.

BLM would like you to know that you do not have to respond to this or any other Federal agency-sponsored information collection unless it displays a currently valid OMB control number.

BURDEN HOURS STATEMENT

Public reporting burden for this form is estimated to average 8 minutes per response, including the time for reviewing instructions, gathering and maintaining data, and completing and reviewing the form. Direct comments regarding the burden estimate or any other aspect of this form to U.S. Department of the Interior, Bureau of Land Management (1004-0194), Bureau Information Collection Clearance Officer (WO-630), 1849 C Street, N.W., Washington, D.C. 20240.

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT

SURFACE MANAGEMENT PERSONAL BOND

Act of May 10, 1872, as amended (30 U.S.C. 22-54)
Act of October 21, 1976, as amended (43 U.S.C. 1732-35, 1782)
Act of September 13, 1982 (31 U.S.C. 9301 et seq.)
Act of September 27, 1988 (102 Stat. 1776)
(Act of April 16, 1993, 43 U.S.C. 299)

FORM APPROVED
OMB NO. 1004-0194
Expires: November 30, 2003

Plan of Operations/Notice _____ Statewide _____ Nationwide _____
(Name of State, if applicable) ("Yes" - if applicable)

KNOW ALL MEN BY THESE PRESENTS, THAT _____
(name)

of _____
(address)

as principal; is held firmly bound unto the United States of America in the sum of _____

_____ dollars (\$ _____).
lawful money of the United States, which may be increased or decreased by a rider hereto executed in the same manner as this bond.

The principal, pursuant to the authority conferred by Section 1 of the Act of September 13, 1982 (31 U.S.C. 9303), does hereby constitute and appoint the Secretary of the Interior to act as his attorney-in-fact for the purpose of negotiating the cash, letters of credit, savings accounts, certificates of deposit, or securities. The interest accruing on the United States securities, cash, or other instruments given above, in the absence of any default in the performance of any of the conditions, or stipulations set forth in this bond, the plan of operations/notice, must be paid to the principal. The principal hereby, for any heirs, executors, administrators, successors, and assignees, jointly and severally, ratifies and confirms whatever the Secretary will do by virtue of these presents.

The Secretary will transfer this deposit for the faithful performance of any and all of the conditions and stipulations as set forth in this bond, the plan of operations/notice cited above, and the regulations at 43 CFR Subpart 3809 and Subpart 3802. In the case of any default in the performance of the conditions and stipulations of such undertaking, it is agreed that the Secretary will have full power to assign, appropriate, apply, or transfer the deposit, or any portion thereof, to the satisfaction of any damages, reclamation, assessments, penalties, or deficiencies arising by reason of such default.

BOND CONDITIONS

1. WHEREAS the principal has an interest in a mining claim(s), millsite(s), or tunnel site(s) and/or responsibility for operations and/or reclamation on the mining claim(s), millsite(s), tunnel site(s) or public lands under the Acts cited in the bond; and
2. WHEREAS the principal has filed an acceptable notice with the United States Department of the Interior and/or received approval from the United States Department of the Interior of the plan of operations cited above and said plan of operations/notice contains certain stipulations and conditions; and
3. WHEREAS the principal hereby waives any right to notice of, and agrees that this bond will remain in full force and effect notwithstanding:
 - a. Any transfer(s) in whole or in part, of any or all of the land covered by the plan of operations/notice further agrees to remain bound under this bond as to the interests in the plan of operations/notice retained by the principal; and
 - b. Any modification of the plan of operations/notice or obligations thereunder; and
4. WHEREAS the principal hereby agrees that notwithstanding the cancellation or relinquishment of any mining claim(s), millsite(s), or tunnelsite(s) covered by this plan of operations/notice, whether by operation of law or otherwise, the bond will remain in full force and effect as to the terms and conditions of the plan of operations/notice, and obligations covered by this bond; and
5. WHEREAS the principal agrees that in the event of any default under the plan of operations/notice and/or reclamation plan the bond may be forfeited and, the United States, through the Bureau of Land Management, may commence and prosecute any claim, suit, or other proceeding against the principal without the necessity of joining the owner(s) of the mining claim(s), millsite(s), or tunnelsite(s) covered by the plan of operations/notice; and
6. WHEREAS if the principal fails to comply with the provisions of 43 CFR 3809.595, the principal will also be subject to the applicable provisions and penalties of Sections 303 and 305 of the Federal Land Policy and Management Act of 1976, *as amended* (43 U.S.C. 1733 and 1735). This provision will not be construed to prevent the exercise by the United States of any other legal and equitable remedy, including waiver of the default; and

Title 18 U.S.C. Section 1001 and Title 43 U.S.C. Section 1212 make it a crime for any person knowingly and willfully to make to any department or agency of the United States any false fictitious, or fraudulent statements or representations as to any matter within its jurisdiction.

(Continued on reverse)

BOND CONDITIONS (Continued)

7. WHEREAS, on the faith of the foregoing promises, representations, and appointments, and in consideration of this bond, the United States has accepted the plan of operations/notice referenced herein.
8. NOW, THEREFORE, the condition of this obligation is such that if said principal(s), heirs, executors, administrators, successors, or assignees will, in all respects, faithfully comply with all of the provisions of the plan of operations/notice referenced herein, any amendments thereto, and the rules and regulations contained in 43 CFR Subpart 3809 or Subpart 3802, as applicable, then this obligation will be null and void; otherwise it will remain in full force and effect.

Signed this _____ day of _____, 20____ :

ACKNOWLEDGEMENT:

By _____

Subscribed and sworn to before me this _____ day

Title _____

of _____, 20____.

Business Address _____

(Notary Public)

(Date Commission Expires)

(Principal EIN or SSN No.)

[SEAL]

[SEAL]

If this bond is signed by a corporation, it must bear the seal of the corporation

The Privacy Act of 1974 and the regulation in 43 CFR 2.48(d) provide that you be furnished the following information in connection with information required by this application.

AUTHORITY: 30 U.S.C. 22 et seq.; 43 U.S.C. 1732[b] and 1782[c]; 31 U.S.C. 9301 et seq.; 43 CFR 3802 and 3809.

PRINCIPAL PURPOSE: Information is being used to establish financial responsibility for surface disturbance on public lands.

ROUTINE USES: BLM will only disclose the information according to the regulations at 43 CFR 2.56 (d).

EFFECT OF NOT PROVIDING INFORMATION: Disclosure of the information is necessary to receive a benefit. Failure to disclose this information may result in BLM's rejection of your application.

The Paperwork Reduction Act of 1995 requires us to inform you that:

BLM collects this information to grant the right to conduct exploration and mining activities on public lands.

Response to this request is required to obtain a benefit.

BLM would like you to know that you do not have to respond to this or any other Federal agency-sponsored information collection unless it displays a currently valid OMB control number.

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UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT

FORM APPROVED
OMB NO. 1004-0194
Expires: November 30, 2003

**Form for Bond Rider Extending Coverage of Bond to Assume Liabilities for
Operations Conducted by Parties Other Than the Principal
(Consent of Surety)
RIDER**

BLM Bond Number

Surety Bond Number

Plan/Notice Serial Number

The principal and surety (or principal/obligor, if a personal bond) hereby agree to extend the coverage of the bond referenced above to include liabilities for operations conducted by _____ on _____

plan/notice serial number _____ in which the principal holds interest or in the State of _____ (Statewide bond) or nationwide (nationwide bond).

Coverage includes the faithful performance of all plan of operations or notice level operations, both past and future, including the responsibility for all surface reclamation, as filed or approved by the Bureau of Land Management (BLM).

This coverage of plan of operations or notice level operations, will continue whether or not the plan(s) and/or notice(s) subsequently expire, terminate, are canceled, or relinquished; provided however, that this rider will not act to increase the actual cumulative or potential liability for the surety above the face amount of the bond (penal sum).

Signed this _____ day of _____, 20_____.

(Principal)

(Surety)

(Principal--(EIN or SSN No.))

(Surety--EIN or SSN No.)

(By)

(Title)

(Attorney-in-fact)

(Address)

(Address)

NOTICE

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